

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
NICK GIOULES, :
Plaintiff, :
-v- : 21 Civ. 6400 (JPC)
ANTIGUA PHARMACY LLC and :
BRENDA LIS ANTIGUA, :
Defendants. :
-----X

JOHN P. CRONAN, United States District Judge:

On November 29, 2021, the Court ordered Plaintiff to file a motion for default judgment against Defendants by January 12, 2022. Dkt. 21. On January 11, 2022, Plaintiff filed a letter requesting an extension of time to file a motion for default judgment. Dkt. 23. The Court hereby grants Plaintiff's request for an extension.

Plaintiff shall file his motion for default judgment in accordance with Local Civil Rule 55.2 and 3.D of the Court's Individual Rules and Practices for Civil Cases by February 11, 2022. Pursuant to this Court's Individual Rules, Plaintiff must serve the motion for default judgment and supporting paperwork on the party against whom default judgment is sought and file an Affidavit of Service on ECF within two business days of filing the motion for default judgment. Defendants shall file any opposition to the motion for default judgment no later than March 4, 2022. Plaintiff shall file any reply no later than March 18, 2022.

Defendant Antigua Pharmacy LLC is advised that as a limited liability company, it cannot proceed *pro se* and its failure to obtain counsel constitutes a failure to "otherwise defend" under Rule 55(a) of the Federal Rules of Civil Procedure. *See, e.g., City of N.Y. v. Mickalis Pawn Shop, LLC*, 645 F.3d 114, 129-32 (2d Cir. 2011); *Eagle Assocs. v. Bank of Montreal*, 926 F.2d 1305, 1310

(2d Cir. 1991); *McFarlane v. Harry's Nurses Registry*, No. 17 Civ. 6350 (PKC), 2020 WL 1643781, at *15 (E.D.N.Y. Apr. 2, 2020).

It is further ORDERED that Defendants appear and show cause at a hearing before this Court on March 30, 2022, at 10:00 a.m., why an order should not be issued granting a default judgment against Defendants. That hearing shall take place telephonically. At the scheduled time, counsel for all parties should call (866) 434-5269, access code 9176261. In the event that Defendants do not appear, Plaintiff's counsel should be prepared to discuss any communications with Defendants or representatives for Defendants regarding this litigation and any intent to challenge the suit, including discussions about the alleged illegal conduct prior to the filing of the lawsuit; how Defendants were served with this Order and documents filed by Plaintiff in this case; why Plaintiff's counsel is confident that Defendants have been served with those documents and have notice of the hearing; and the method for calculating damages. In the event that Defendants oppose the motion for default judgment prior to the scheduled court appearance on March 30, 2022, that court appearance shall also serve as a case management conference.

It is further ORDERED that Plaintiff serve Defendants via overnight courier with a copy of this Order within one week of the date of this Order. Within two business days of service, Plaintiff must file proof of such service on the docket. The Clerk of Court is respectfully directed to terminate the motion pending on Docket 23.

SO ORDERED.

Dated: January 12, 2022
New York, New York



JOHN P. CRONAN
United States District Judge